

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 2, 5-10, 13, 14, 17, 18, 21, 22, and 25-34 are pending in this application.

Information Disclosure Statement

Applicants thank the Examiner for indicating that the references submitted in the Information Disclosure Statements filed on December 15, 2009, December 3, 2009, November 13, 2009, and September 3, 2009, have been considered.

Foreign Priority

Applicants respectfully note that the present action does not indicate that the claim to foreign priority under 35 U.S.C. §119 has been acknowledged or that certified copies of all priority documents, submitted on March 12, 2004, have been received by the U.S.P.T.O. Applicants respectfully request that the Examiner's next communication include an indication as to the claim to foreign priority under 35 U.S.C. §119 and an acknowledgement of receipt of the certified copies of all priority documents.

Perfect Claim Priority

Pursuant to 35 U.S.C. §1.55, Applicants submit an English language translation of Korean Patent Application No. 10-2002-0072519 upon which the subject application claims priority. The English translation is filed together with a statement that the translation of the certified copy is accurate.

Accordingly, Applicants have perfected their claim for priority as required by this rule.

Rejections under 35 U.S.C. § 103

Okada/Kato/Sawabe/Jung/Herley

Claims 1-2, 5-10, 13-14, 17-18, 21-22, 25, and 31-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication No. 2004/0057700 to Okada ("Okada") in view of US Patent Publication No. 2002/0145702 to Kato ("Kato") and further in view of US Patent Publication No. 2002/0176695 to Sawabe ("Sawabe"), US Patent Publication No. 2004/0081434 to Jung ("Jung") and US Patent Publication No. 2005/0066352 to Herley ("Herley"). Applicants respectfully traverse this rejection for the reasons detailed below.

As an initial matter, Applicants submit Jung cannot be used to support a rejection under §103. The earliest publication date for Jung is April 29, 2004 which is *after* Applicants' US filing date of November 20, 2003. Accordingly, Jung does not qualify as a valid reference under §102(a) or §102(b). Further, as indicated in paragraph [0001] of Jung, Jung claims priority to provisional application 60/452,544 filed March 7, 2003. However, the March 7, 2003 filing date of US provisional application 60/452,544 is *after* Applicants' perfected foreign priority date of November 20, 2002. Accordingly, Jung does not qualify as a valid reference under §102(e). Consequently, Jung is precluded from being relied upon to support a rejection under §103.

Applicants note, the first page of the patent application publication of Jung lists a claim of priority to US provisional application 60/425,544 filed on November 12, 2002. However, this is an error. As mentioned above, [0001] of Jung clearly states that priority is claimed to provisional application 60/452,544 filed March 7, 2003.

Next, Applicants respectfully submit a *prima facie* case of obviousness has not been established with respect to claim 1. Claim 1 recites "wherein the playlist file further includes type information and repeat information, the type information identifying whether reproduction being indicated by the at least one playitem is synchronized with reproduction being indicated by the at least one sub-playitem, and the repeat information identifying whether to repeat the reproduction indicated by the at least one sub-playitem". The Examiner admits on page 4 that the combination of Okada, Kato and Sawabe fails to teach the recited "type information". Additionally, Applicants respectfully submit, Herley likewise fails to teach the recited "type information". Thus, the combination of Okada, Kato, Sawabe and Herley fails to teach each of the limitations of claim 1. Further, for the reasons discussed above, Jung cannot be used to support a rejection under §103. Consequently, a *prima facie* case of obviousness has not been established with respect to claim 1, or any claims depending from claim 1, as is required to support a rejection under §103.

Further, claims 6-9 include limitations similar to those of claim 1 discussed above. Accordingly, for at least the reasons discussed above with respect to claim 1, none of Okada, Kato, Sawabe, and Herley alone or in combination, teach each of the limitations of any of claims 6-9. Consequently, the Examiner has not established a *prima facie* case of obviousness with respect to any of claims 6-9, or any claims depending from claims 6-9, as is required to support a rejection under §103.

Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-2, 5-10, 13-14, 17-18, 21-22, 25, and 31-34 under 35 U.S.C. § 103(a).

Rejections under 35 U.S.C. § 103

Okada/Kato/Sawabe/Jung/Herley/Saeki

Claims 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication No. 2004/0057700 to Okada ("Okada") in view of US Patent Publication No. 2002/0145702 to Kato ("Kato") and further in view of US Patent Publication No. 2002/0176695 to Sawabe ("Sawabe"), US Patent Publication No. 2004/0081434 to Jung ("Jung"), US Patent Publication No. 2005/0066352 to Herley ("Herley") and US Patent Publication No. 2001/0043790 to Saeki ("Saeki"). Applicants respectfully traverse this rejection for the reasons detailed below.

Claims 26-30, dependent on claims 1 and 6-9, are patentable for at least the same reasons stated above. For reasons that are apparent, Saeki fails to cure the deficiencies of Kato, Okada, Sawabe, Jung, and Herley with respect to the above-recited features of claim 1.

Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 26-30 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

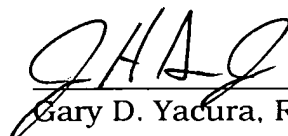
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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